

AMENDMENTS TO THE CLAIMS

Claim 1 (currently amended): A pathogen-responsive promoter, comprising:

(a) a DNA comprising the nucleotide sequence shown in SEQ ID NO:1;

~~(b) a DNA comprising nucleotide sequence shown in SEQ ID NO:1 with replacement, deletion, insertion or addition of one or more nucleotide(s) and functioning as pathogen-responsive promoter in plant cell; or~~

~~(c) a DNA hybridizing to the DNA of (a) or (b) under a stringent condition and functioning as pathogen-responsive promoter in plant cell.~~

Claim 2 (currently amended): A pathogen-responsive promoter, comprising:

(A) a DNA comprising the nucleotide sequence shown in SEQ ID NO:2;

~~(B) a DNA comprising nucleotide sequence shown in SEQ ID NO:2 with replacement, deletion, insertion or addition of one or more nucleotide(s) and functioning as pathogen-responsive promoter in plant cell; or~~

~~(C) a DNA hybridizing to the DNA of (A) or (B) under a stringent condition and functioning as pathogen-responsive promoter in plant cell.~~

Claim 3 (cancelled).

Claim 4 (currently amended): A pathogen-responsive promoter, comprising:

(i) a DNA comprising the nucleotide sequence shown in SEQ ID NO:22;

~~(ii) a DNA comprising nucleotide sequence shown in SEQ ID NO:22 with replacement, deletion, insertion or addition of one or more nucleotide(s) and functioning as pathogen-responsive promoter in plant cell; or~~

~~(iii) a DNA hybridizing to the DNA of (i) or (ii) under a stringent condition and functioning as~~

pathogen-responsive promoter in plant cell.

Claim 5 (currently amended); A pathogen-responsive promoter functioning as pathogen-responsive promoter in plant cell and comprising:

- (I) a DNA comprising the nucleotide sequence shown in SEQ ID NO:23;
- ~~(ii) a DNA comprising nucleotide sequence shown in SEQ ID NO:23 with replacement, deletion, insertion or addition of one or more nucleotide(s); or~~
- ~~(iii) a DNA hybridizing to the DNA of (i) or (ii) under a stringent condition.~~

Claim 6 (original): The pathogen-responsive promoter according to Claim 5, which is characterized by being responsive specifically to Phytophthora infection.

Claim 7 (currently amended): A DNA comprising the nucleotide sequence shown in SEQ ID NO:23.

Claim 8 (cancelled).

Claim 9 (original): A vector comprising the pathogen-responsive promoter according to Claim 5.

Claim 10 (original): A vector comprising the DNA according to Claim 8.

Claim 11 (currently amended); A DNA construct comprising the promoter according to Claim 5 and a gene linked under the control of the promoter and expressed in plant to activate ~~protective response~~ the defense response of the plant.

Claim 12 (cancelled).

Claim 13 (currently amended): The DNA construct according to Claim 11, wherein the expression product of the gene has the function to activate ~~communication~~ a signaling pathway controlling the ~~protective response~~ defense response of the plant.

Claim 14 (currently amended): The DNA construct according to Claim 11, wherein the expression product of the gene has the function to activate salicylic acid-induced protein kinase [() SIPK()] or Wound-Induced Protein Kinase [() WIPK()].

Claim 15 (original): The DNA construct according to Claim 11, wherein the gene encodes a constantly active form of MEK.

Claim 16 (original): A transformant derived from host plant transformed by the DNA construct according to Claim 11.

Claim 17 (original): The transformant according to Claim 16, wherein the host plant belongs to Solanaceae.

Claim 18 (original): The transformant according to Claim 16, wherein the host plant belongs to Solanum tuberosum.

Claim 19 (original): A method for producing a transgenic plant, comprising the step of:
transforming a host plant with the DNA construct according to Claim 11.

Claim 20 (currently amended): A method for ~~affording~~ inducing pathogen resistance to a host

plant, comprising the step of:

transforming the host plant with the DNA construct according to Claim 11.

Claim 21 (original): A plant into which a pathogen-responsive promoter according to Claim 5 has been exogenously introduced.

Claim 22 (original): A plant into which the DNA according to Claim 8 has been exogenously introduced.

Claim 23 (new): A pathogen-responsive promoter consisting of a DNA comprising SEQ ID NO:1 and functioning as pathogen-responsive promoter in plant cell.

Claim 24 (new): A pathogen-responsive promoter consisting of a DNA comprising SEQ ID NO:2 and functioning as pathogen-responsive promoter in plant cell.

Claim 25 (new): A pathogen-responsive promoter consisting of a DNA comprising SEQ ID NO:22 and functioning as pathogen-responsive promoter in plant cell.

Claim 26 (new): A pathogen-responsive promoter consisting of a DNA comprising SEQ ID NO:23 and functioning as pathogen-responsive promoter in plant cell.